

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GEMTRON CORPORATION,

Plaintiff,

-vs-

Case No. 1:04-0387  
Hon: AVERN COHN

SAINT-GOBAIN CORPORATION,

Defendant.

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**ORDER RELATING TO PENDING MOTIONS**

At the final pretrial conference on the record on January 14, 2008, the Court ruled on pending motions as follows:

1. Motions reflected in Dkt. Nos. 522, 531 and 533 are moot.
2. The Motion *In Limine* to Preclude Gemtron From Offering Testimony Concerning Its Impermissible Infringement Test (Dkt. 571) is DENIED.
3. The Motion *In Limine* to Preclude Gemtron From Referring to Judge Miles' Summary Judgment Decision on SG1-3 (Dkt. 572) is GRANTED.
4. The Motion *In Limine* to Preclude Gemtron From Referring to Saint-Gobain's Manufacturing Process in Mexico To Try To Prove Infringement (Dkt. 573) is DENIED.
5. The Motion *In Limine* to Preclude Gemtron From Referring To Price Fixing Or Market Sharing (Dkt. 574) is GRANTED.
6. The Motion *In Limine* to Preclude Gemtron From Asserting Willful

Infringement (Dkt. 575) is GRANTED.

7. The Motion *In Limine* to Advise The Jury That Saint-Gobain Is The Plaintiff In This Action And Not The Defendant (Dkt. 576) is DENIED.

8. The Motion *In Limine* to Preclude Gemtron From Asserting That Saint-Gobain Copied Gemtron's Invention (Dkt. 577) is GRANTED.

9. The Motion *In Limine* to Preclude Gemtron Asserting Infringement Under The Doctrine of Equivalents (Dkt. 578) remains pending; the Court will issue a ruling after receiving a response from Gemtron.

10. The Motion *In Limine* to Preclude Gemtron From Using Expert Reports As Evidence (Dkt. 579) is GRANTED.

11. The Motion *In Limine* to Exclude Evidence From Dr. Henry W. Stoll (Dkt, 580) is DENIED.

12. The Motion *In Limine* to Exclude the Testimony of Vincent Ramik (Dkt. 581) is DENIED without prejudice to the right of Gemtron to object at trial.

13. The Motion *In Limine* to Exclude Evidence from Richard D. Grauer (Dkt. 582) is DENIED without prejudice to the right of Gemtron to object at trial.

14. The Motion *In Limine* to Exclude Evidence or Argument Related to Claim Construction (Dkt. 583) is GRANTED.

15. The Motion *In Limine* to Exclude Evidence or Argument Related to Gemtron's Alternative Shelves (Dkt. 584) is GRANTED.

16. The Motion *In Limine* to Exclude Evidence or Argument Relating to Saint-Gobain's Refrigerator Shelves Other Than the SG16 Shelf (Dkt. 585) is GRANTED.

17. The Motion *In Limine* to Exclude Evidence of Broken Shelves (Dkt. 586) is

DENIED.

Any objections to this order shall be filed within 24 hours.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: January 15, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, January 15, 2008, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160